IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 961 of 2007()

C.R.NO.45 OF 2005 OF EXCISR RANGE OFFICE, CHIRAYINKEEZHU, THIRUVANANTHAPURAM

PETITIONER: ACCUSED 1 & 2

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1. SATHYAN, S/O.KUNJUKRISHNAN, SOUMYA NIVAS, ELAMBA DESOM, MUDHACKAL VILLAGE, CHIRAYINKEEZHU TALUK.

2. SHIJU, S/O.DAMODHARAN, MEKKUMKARA PUTHENVEETTIL, PARIYARAM DESOM, NEDUMANGADU VILLAGE, NEDUMANGADU TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, CHIRAYINKEEZHU, THIRUVANANTHAPURAM, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.961 of 2007

Dated this the 26th day of March, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.45 of 2005 of Excise Range Office, Chirayinkeezhu, Thiruvananthapuram, against the petitioners is hereby quashed.

(R.BASANT, JUDGE)

rtr/-